

U.S. BANKRUPTCY COURT  
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NEWARK, NJ

2025 MAY 22 P 12:39

JENNIFER A. WILKINSON  
BY *J. Chrusch*  
DEPUTY CLERK

**Jeffrey Mead Kurzon**  
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(212) 203-8918

Clerk of the Court  
United States Bankruptcy Court  
District of New Jersey  
Martin Luther King Jr. Federal Building  
50 Walnut Street  
Newark, NJ 07102

May 20, 2025

Re: In re Bed Bath & Beyond Inc., et al., Case No. 23-13359 (VFP)

**Supplemental Filing in Support of Motion to Compel Disclosure**

Dear Clerk of Court:

Enclosed for filing is a supplemental submission in support of my *pro se* motion, dated May 19, 2025, seeking disclosure and reconciliation of the shareholder ledger as of the Plan's effective date.

This submission includes: (1) a supplemental declaration with new material evidence and clarification; (2) a copy of an SEC Form 8-K filed by the Debtors on September 20, 2023; and (3) a revised proposed order.

The 8-K discloses that, as of July 20, 2023, the Company had 782,005,210 shares of common stock outstanding and no preferred stock outstanding. However, approximately three months later, the Plan Administrator filed a notice cancelling 170 preferred shares. This contradiction warrants further review.

Respectfully submitted,



Jeffrey Mead Kurzon, pro se

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In re:

Bed Bath & Beyond Inc., et al.,

Debtors.<sup>1</sup>

Case No. 23-13359 (VFP)

Chapter 11 (Jointly Administered)

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JENNIFER L. BLONSON  
BY: D. Chandra  
DEPUTY CLERK

**SUPPLEMENTAL EVIDENCE AND CLARIFICATION IN SUPPORT OF  
MOTION TO COMPEL DISCLOSURE AND RECONCILIATION OF  
SHAREHOLDER LEDGER**

Movant, a pro se Class 9 shareholder, respectfully submits this supplemental filing in further support of the Motion to Compel Disclosure and Reconciliation of Shareholder Ledger, originally dated May 19, 2025.

Attached as Attachment 1 is a copy of a Form 8-K filed by Bed Bath & Beyond Inc. with the U.S. Securities and Exchange Commission on September 20, 2023 (SEC Accession No. 0001193125-23-238592), which states:

"The Company has no preferred shares issued or outstanding and has 782,005,210 shares of common stock issued and outstanding as of July 20, 2023."

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<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>.

This public representation is material to the motion. If the Debtor (aka “The Company”) confirmed that only common shares were outstanding as of July 2023, it is critical to verify whether that remained true as of September 29, 2023, the Plan’s effective date and the moment of cancellation for Class 9 equity.

However, in October 2023, the Plan Administrator filed a notice cancelling 701,290,253 common shares and 170 preferred shares as “null, void, and worthless” (see Dkt. No. 2631; Attachments 1 and 2). The cancellation of 170 preferred shares contradicts the Company’s prior public statement that no preferred shares were outstanding in July 2023.

This inconsistency raises a core question: If no preferred shares existed as of July 20, 2023 why was there a need to cancel any in October? Were these shares issued, revived, or discovered post-July? Or were they already inactive, in which case, what legal purpose did their cancellation serve?

This reinforces the necessity of obtaining, examining and reviewing the full shareholder ledger as of the Plan effective date. Without it, the Court, estate, and potential successors have no definitive basis for distribution(s), compliance, or restoration, especially if value is later recovered for Class 9 equity.

**Contextual Note on Novelty:**

The relief requested in this motion may be uncommon in Chapter 11 practice, but it is grounded in a clear interest shared by all stakeholders: the integrity of the shareholder ledger as of the effective date of the Plan. While cases like *In re Hertz Corp.* involved post-confirmation equity events, courts have rarely been asked to reconcile public share disclosures (such as SEC filings) with the formal shareholder ledger

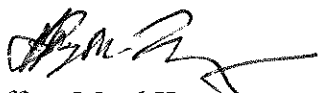
maintained by the transfer agent. The rise of retail participation, direct registration, and concerns over synthetic share inflation make this inquiry timely and appropriate. Transparency is an essential and necessary prerequisite to trust in the reorganization process.

Movant further notes that in *In re EXP OldCo Winddown, Inc., et al.* (Case No. 24-10831, D. Del.) (fka *In re Express, et al.* ) (KBO), the equity was cancelled under a confirmed plan on December 31, 2024. Yet, more than five months later, EXPRQ shares remain in brokerage accounts (Express Inc Com New 30219E202) and have not been removed from the DTC. This post-confirmation delay demonstrates that regulatory filings alone do not guarantee reconciliation of shareholder ledgers. Without judicial oversight, residual or synthetic positions may persist, undermining trust in the finality of equity cancellations (and distributions related thereto), and the transparency of the bankruptcy process.

Accordingly, Movant respectfully requests that this matter be set for hearing at the Court's earliest convenience, as Class 9 stakeholders remain patiently eager for resolution and clarity.

DATED: May 20, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey Mead Kurzon', with a stylized flourish at the end.

Jeffrey Mead Kurzon, pro se

**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**  
Washington, D.C. 20549

**FORM 8-K**

**CURRENT REPORT  
PURSUANT TO SECTION 13 OR 15(d)  
OF THE SECURITIES EXCHANGE ACT OF 1934**

**Date of Report (Date of earliest event reported): September 14, 2023**

**BED BATH & BEYOND INC.**  
(Exact name of registrant as specified in its charter)

**New York**  
(State or other jurisdiction  
of incorporation)

**0-20214**  
(Commission  
File Number)

**11-2250488**  
(I.R.S. Employer  
Identification No.)

**650 Liberty Avenue, Union, New Jersey**  
(Address of principal executive offices)

**07083**  
(Zip Code)

**(908) 688-0888**  
(Registrant's telephone number, including area code)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Securities registered pursuant to Section 12(b) of the Act:

Title of each class	Trading Symbol(s)	Name of each exchange on which registered
Common Stock, \$0.01 par value	BBBYQ	OTC

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933 (§ 230.405 of this chapter) or Rule 12b-2 of the Securities Exchange Act of 1934 (§ 240.12b-2 of this chapter).

Emerging growth company ☐

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act. ☐

**Item 1.03. Bankruptcy or Receivership.**

As previously disclosed, on April 23, 2023 (the "Petition Date"), Bed Bath and Beyond Inc. (the "Company") and certain of its direct and indirect subsidiaries (collectively, the "Company Parties") filed voluntary petitions (the "Chapter 11 Cases") under Chapter 11 of the U.S. Bankruptcy Code (the "Bankruptcy Code") in the U.S. Bankruptcy Court for the District of New Jersey (the "Bankruptcy Court").

On September 14, 2023, the Bankruptcy Court entered its order (the "Confirmation Order") confirming the Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and Its Debtor Affiliates (the "Plan"). A copy of the confirmed Plan is filed as Exhibit 2.1 to this Form 8-K and incorporated by reference into this Item 1.03.

**Summary of Plan**

This summary is qualified in its entirety by referenced to the Plan, and capitalized terms used but not defined in the following summary shall have the meanings ascribed to them in the Plan. The Plan, as confirmed by the Court, contemplates, among other things, an orderly wind-down and liquidation of the Company Parties' businesses and the vesting of the assets of the Company Parties' bankruptcy estates with the Wind-Down Debtors.

In the Company's most recent monthly operating reports filed with the Bankruptcy Court on August 21, 2023, the Company reported aggregated total assets of approximately \$42.4 million and total liabilities of approximately \$1,503.6 million as of July 31, 2023. This financial information has not been audited or reviewed by the Company's independent registered public accounting firm and may be subject to future reconciliation or adjustments. This information should not be viewed as indicative of future results.

The Company has no preferred shares issued or outstanding and has 782,005,210 shares of common stock issued and outstanding as of July 20, 2023. On the effective date of the Plan, all of these shares will be canceled, released, and extinguished and will be of no further force or effect pursuant to the Plan.

The Company anticipates that the Plan will become effective on or about September 30, 2023.

**Cautionary Statement Concerning Forward-Looking Statements**

This Current Report on Form 8-K and the exhibits hereto contain certain "forward-looking statements." All statements other than statements of historical fact are "forward-looking" statements for purposes of the U.S. federal and state securities laws. These statements may be identified by the use of forward-looking terminology such as "anticipate," "believe," "continue," "could," "estimate," "expect," "intend," "may," "might," "our vision," "plan," "potential," "preliminary," "predict," "should," "will," or "would" or the negative thereof or other variations thereof or comparable terminology. These forward-looking statements are subject to a number of factors and uncertainties that could cause the Company's actual results to differ materially from those expressed in or contemplated by the forward-looking statements. Such factors include, but are not limited to: risks attendant to the bankruptcy process, including the Company's ability to obtain court approval from the Bankruptcy Court with respect to requests made to the Bankruptcy Court throughout the course of the Chapter 11 Cases; the effects of the Chapter 11 Cases, including increased legal and other professional costs necessary to execute the Company's Chapter 11 Cases, on the Company's liquidity (including the availability of operating capital during the pendency of the Chapter 11 Cases), results of operations or business prospects; the effects of the Chapter 11 Cases on the interests of various constituents and financial stakeholders; the length of time that the Company will operate under Chapter 11 protection and the continued availability of operating capital during the pendency of the Chapter 11 Cases; objections to the Company's restructuring process, any senior secured super-priority debtor in possession term loan facilities, or other pleadings filed that could protract the Chapter 11 Cases; risks associated with third-party motions in the Chapter 11 Cases; Bankruptcy Court rulings in the Chapter 11 Cases and the outcome of the Chapter 11 Cases in general; the Company's ability to comply with the restrictions imposed by the terms and conditions of its financing arrangements; employee attrition and the Company's ability to retain senior management and other key personnel due to the distractions and uncertainties; the Company's ability to maintain relationships with suppliers, customers, employees and other third parties and regulatory authorities as a result of the Chapter 11 Cases; the impact and timing of any cost-savings

measures and related local law requirements in various jurisdictions; the effectiveness of the Company's internal control over financial reporting and disclosure controls and procedures, and the potential for additional material weaknesses in the Company's internal controls over financial reporting or other potential weaknesses of which the Company is not currently aware or which have not been detected; the impact of litigation and regulatory proceedings; the impact and timing of any cost-savings measures. These risks and uncertainties may cause the Company's actual results, performance, liquidity or achievements to differ materially from any future results, performance, liquidity or achievements expressed or implied by these forward-looking statements. For a further list and description of such risks and uncertainties, please refer to the Company's filings with the SEC that are available at [www.sec.gov](http://www.sec.gov). The Company cautions you that the list of important factors included in the Company's SEC filings may not contain all of the material factors that are important to you. In addition, in light of these risks and uncertainties, the matters referred to in the forward-looking statements contained in this report may not in fact occur. The Company undertakes no obligation to publicly update or revise any forward-looking statement, including any projections, as a result of new information, future events or otherwise, except as otherwise required by law.

**Item 9.01. Financial Statements and Exhibits.**

**(d) Exhibits.**

- 2.1 Confirmation Order of the U.S. Bankruptcy Court for the District of New Jersey, dated September 14, 2023.
- 104 Cover Page Interactive Data File, formatted in Inline Extensible Business Reporting Language (iXBRL).

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**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Date: September 20, 2023

BED BATH & BEYOND INC.

By: /s/ David M. Kastin

David M. Kastin  
Executive Vice President, Chief Legal Officer &  
Corporate Secretary